

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5465 of 2021

Chayan Krishna Sarkar S/o Shri Late Nand Dulal Sarkar Aged About 51 Years R/o Lig 16, Housing Board Colony, Kanker District Uttar Bastar Kanker Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Its Secretary, Revenue And Disaster Management, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. The Collector District Uttar Bastar Kanker Chhattisgarh
3. The Additional Collector District Uttar Bastar Kanker Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate.
For State	:	Mr. Kunal Das, PL with Ms. Abhyunnati Singh, PL

Hon'ble Shri Justice P. Sam Koshy
Order on Board

08/10/2021

1. Aggrieved by the impugned order Annexure P-1, the present writ petition has been filed.
2. Vide the impugned order, the petitioner has been transferred from P.H. No.15 Tahsil Kanker to Pakhanjur, Sub Division.
3. Contention of the petitioner is that the impugned order has been passed during the ban period. Secondly the order of transfer has been passed only to accommodate another patwari. The order of transfer is contrary to the transfer Policy of the State Government.
4. All said and done, the plain reading of the impugned order clearly reflects that change of place of posting made by the Additional Collector, Uttar Bastar, Kanker. The distance between the two place of is not too far distance which could cause great inconvenience to the petitioner.

Accordingly, this Court is reluctant to entertain the writ petition at this juncture. However, in case if the petitioner is not satisfied with the present place of posting, the only recourse available to the petitioner is to make appropriate representation to the authorities concerned which according to the petitioner he has already made and his representation is still pending consideration.

5. Given the said facts, respondent no.3 is directed to consider the representation of the petitioner on its own merits in accordance with the transfer policy and rules of change of place of posting is concerned at the earliest preferably within a period of six months.
6. While deciding the representation of the petitioner, the authorities are also expected to consider the same keeping in view the circular of the State Government dated 09.07.2021 in respect of shifting of the Patwaris from one place of another is concerned.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit